

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CHARLESETTA HORTON

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

-against-



FEB 03 2005

★  
COMPLAINT

CLIENT SERVICES, INC.

LONG ISLAND OFFICE

Defendant.

**BLOCK, J.  
GOLD, M.**

Plaintiff, by and through her attorney, Adam J. Fishbein, as and for her complaint alleges  
as follows:

#### INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

#### PARTIES

0.2 Plaintiff is a natural person residing in Kings County, New York.  
0.3 Upon information and belief, defendant Client Services, Inc. is a corporation with its principal place of business located in St. Charles, Missouri. Defendant is a debt collector within the meaning of the FDCPA.

#### JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

#### AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.4 as if fully restated herein.  
1.2 That a personal debt was allegedly incurred by the plaintiff to World Financial Network National Bank/New York and Company (Lerner).  
1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was

referred to defendant for collection.

1.4 The creditor wrote to plaintiff's attorney, Concetta Puglisi, on or about October 6, 2004 indicating a settlement offer.

1.5 On or about January 10, 2005, the defendant sent a collection letter directly to the plaintiff when it knew or should have known that plaintiff was represented by counsel.

1.6 Defendant's sending of the January 10, 2005 letter and attempt to collect the alleged debt directly to the plaintiff was sent after it knew or should have known that plaintiff was represented by counsel.

1.7 Plaintiff suffered distress in being contacted directly.

1.8 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

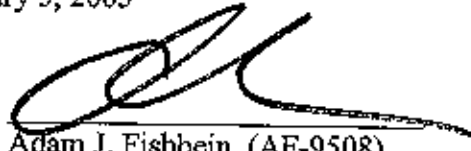
- (a) That defendant violated 15 U.S.C. § 1692c(a)(2) by contacting the plaintiff after the defendant should have known that plaintiff was represented by counsel.

1.9 As a result of the above violation of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory and actual damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

- (a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.
- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

Dated: Woodmere, New York  
February 3, 2005



Adam J. Fishbein (AF-9508)

Attorney At Law

**Attorney for the Plaintiff**

735 Central Avenue

Woodmere, New York 11598

Telephone (516) 791-4400

Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

**WORLD FINANCIAL NETWORK NATIONAL BANK**  
**Banking Operations**  
**Audit & Investigations Division**  
**P.O. Box 182071**  
**Columbus, OH 43218-2071**

October 6, 2004

Charlesetta S Horton  
C/o Atty Conceita Puglisi  
240 Troy Ave  
Brooklyn, NY 11213

New York & Co Account  
Your Account Number: 614-116-127  
Your Balance: \$871.67

Dear Charlesetta Horton,

This letter is sent as confirmation of our recent conversation regarding your New York & Co account.

We will offer you a settlement of \$697.34, which is 80% of the balance. Your payment must be received by October 29, 2004 in order for this arrangement to be valid.

If the settlement is received the remaining balance will be credited and your account will be reported to the credit bureau as a paid account. If settlement is not received the arrangement is no longer valid and we will continue efforts, as permitted by law, to collect on this debt.

You may call me at 1-800-695-7444, ext. 4623 with any questions or concerns.

Sincerely,

Rodney Barnett  
ACCOUNT AUDIT MANAGER  
1-800-695-7444, ext. 4623

HEARING IMPAIRED TDD CALL 1-800-695-1788  
Correspondence address: WFNNB P.O. Box 182071 Columbus, OH 43218-2071  
Payment address: WFNNB P.O. Box 639569 San Antonio, TX 78265-9569

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CLIENT SERVICES, INC.  
3451 HARRY S TRUMAN BLVD  
ST CHARLES, MO 63301  
636-947-2321

01-10-05

CHARLESETT S HORTON  
240 TROY AVE  
BROOKLYN NY 11213-3613

REFERENCE NO.  
4569868

RE: WFN-NEW YORK AND CO. (LERNER)  
BALANCE DUE: \$871.67

Repeated attempts have been made to allow you the opportunity to pay the above balance.

If it is your intention to honor this obligation, call our office and make the appropriate arrangements. Our toll free number is 1-800-521-3236.

Sincerely,

TOMMY MACLIN

This communication is from a professional debt collection agency. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

CS-3

NEW YORK CITY LICENSE NO. 972214